

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

LANA CANEN,

Plaintiff,

-vs-

DENNIS CHAPMAN, in his Individual  
Capacity as Deputy for the  
Elkhart County Sheriff Department,  
and MARK DAGGY, in his Individual  
Capacity as Officer for the  
Elkhart Police Department.

Defendants.

Case No.  
3:14-cv-00315

THE DEPOSITION OF LANA RAE CANEN

Date: Tuesday, May 12, 2015

Time: 2:00 p.m.

Place: Wieser & Wyllie, LLP  
429 West Lincoln Highway  
Schererville, Indiana

Called as a witness by Defendant Dennis  
Chapman in accordance with the Rules of the  
United States District Court, Northern  
District of Indiana, South Bend Division,  
pursuant to Notice.

Before Sharon L. Brady, Court Reporter  
and Notary Public

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South Bend, Indiana 46613  
(574) 288-4242



1                   it that way.

2                   MR. SUTHERLIN: You didn't.

3                   You said, "When did you decide to sue  
4                   him?" That was your last question.

5                   MR. KUS: Okay.

6 BY MR. KUS:

7 Q All right. So, when did you decide to sue  
8                   Officer Daggy?

9                   MR. SUTHERLIN: That's the --  
10                   okay. I just finished saying I don't  
11                   think she decided. We decided. Her  
12                   lawyers did.

13                   MR. KUS: Okay. That's fair.

14                   MR. SUTHERLIN: If you ask her  
15                   when did she -- what did she believe  
16                   Officer Daggy did to violate her  
17                   rights, if that's what you're asking,  
18                   I'll let her answer.

19                   MR. KUS: I thought she said  
20                   she didn't understand that question.

21 BY MR. KUS:

22 Q You understand what your lawyer just said? You  
23                   can go ahead and answer that.

24                   When did you -- what did you think Officer  
25                   Daggy did to violate your rights?

1 A Malicious intent towards me.

2 Q Malicious intent towards you. Okay. Tell us  
3 about that.

4 What kind of intent? What happened? Tell  
5 us the facts. See, that word -- those two --

6 MR. SUTHERLIN: Well --

7 MR. KUS: Excuse me.

8 A No.

9 BY MR. KUS:

10 Q Just wait a minute.

11 A I just want to know if I can answer because I  
12 don't want, you know --

13 MR. SUTHERLIN: I'll make an  
14 objection if I don't want you to  
15 answer. So, you don't need to look  
16 at me and --

17 A Yeah. But, I mean, if I say something, then it's  
18 already heard.

19 MR. SUTHERLIN: Well, go ahead.

20 BY MR. KUS:

21 Q Well, your attorney won't let that happen. And  
22 we'll try to go slow here. You've used two  
23 words, malicious intent. Those are lawyer words.

24 MR. SUTHERLIN: She didn't use  
25 them. We did.

1 BY MR. KUS:

2 Q Well, they were used, malicious intent. I  
3 thought you said it was malicious intent. So, I  
4 have to ask this.

5 Is it fair that everything that you're --  
6 that you're thinking about Officer Daggy that did  
7 you wrong, like malicious intent -- it's fair  
8 that came from the attorneys?

9 A And from stuff I told the attorneys.

10 Q Okay. So, let's go -- I don't want to hear about  
11 the attorneys. Let's go with the stuff you told  
12 the attorneys about Officer Daggy that got his  
13 name in this lawsuit.

14 MR. SUTHERLIN: I'm sorry.  
15 What did she tell the attorneys? Is  
16 that what you're telling her?

17 MR. KUS: No.

18 BY MR. KUS:

19 Q The stuff that you think -- the stuff that you  
20 think that Officer Daggy did to get you in -- to  
21 have you -- have your rights violated, let's put  
22 it that way, go ahead and tell us about that.  
23 What stuff?

24 A That he harassed me.

25 Q Okay. And when and how?

1 A Well, I had already answered questions when the  
2 two police officers came to my door. It happened  
3 on a Thursday. I got back Monday morning.  
4 Tuesday morning, they were at my house. I let  
5 them in, and I let them search my apartment.

6 That was three days after or four after the  
7 murder. They didn't have a search warrant. I  
8 told them, "Go ahead." I had nothing to hide. I  
9 was not home. And I let them search my  
10 apartment.

11 Q Now, have you ever given your deposition before,  
12 like a statement like this, in front of somebody  
13 that's taking it all down?

14 A No, I have not.

15 Q Have you testified at any proceedings in court  
16 where somebody's taking things down?

17 A When -- before I was arrested for murder, there  
18 was a notice on my door to go to a bank building  
19 on Main Street in Elkhart, 301 Main Street, at  
20 the Prosecuting Attorney's Office maybe, and said  
21 it was for a deposition.

22 Q And what was that for?

23 A That was for the murder.

24 Q Okay. All right. And what did you do then?

25 A I went.

1 Q All right.

2 A Because an officer also went to my mother's and  
3 told her, "You get ahold of your daughter and  
4 tell her she better be there at 3 --" I think it  
5 was 3:00 o'clock I was supposed to be there or  
6 2 -- and said, "If she's not there, we will put a  
7 warrant out for her arrest."

8 Q So, you had to take a deposition? They wanted  
9 you to take a deposition?

10 And, by that, I -- that's a fancy word. Did  
11 you give a -- did they want you to give a  
12 statement in front of a person taking the thing  
13 down, the statement down?

14 A There was me and a guy and a lady in there, and  
15 that's it.

16 Q And you gave a statement?

17 A And I don't remember a lady like this being  
18 there.

19 Q Do you remember if it was on a machine or were  
20 they just --

21 A Writing it down.

22 Q Writing it down?

23 A They told my mom it was a deposition. I don't  
24 know.

25 Q All right. Now, have you ever lived in Waterfall

1 Highrise Apartments?

2 A Yes, I have.

3 Q And when did you live there?

4 A Let's see. I moved in -- the murder happened in  
5 2002. I probably moved in in 1999 right after I  
6 got on my disability.

7 Q And when did you move out?

8 A February.

9 Q Of what year?

10 A 2003.

11 Q Okay.

12 MR. SUTHERLIN: Second time  
13 she's answered that. But go ahead.

14 MR. KUS: I'm trying to -- I'm  
15 just trying to keep a timeline.

16 A I lived there three years before I moved out in  
17 February.

18 BY MR. KUS:

19 Q Pardon?

20 A I lived there three years prior to moving out in  
21 February. So, that was 2003. So, I would've  
22 lived there three years before that. So --

23 Q So, you were there '99 to 2002, you think?

24 A To 2003.

25 Q 2003. About three years?

1 A Yes. It was three years exactly, just about.

2 Q All right. And that's where the murder victim  
3 lived, correct?

4 A Correct.

5 Q And which apartment did you live in?

6 A 802.

7 Q Okay. Do you remember which apartment  
8 Ms. Sailor -- Mrs. Sailor lived in?

9 A I do not.

10 Q How did you come to live in the Waterfall  
11 Apartments?

12 A You had to either be disabled or elderly.

13 Q And you were disabled?

14 A Disabled. I just had got on -- I had just  
15 finally gotten on -- I'd worked up to that time  
16 and finally decided to go on disability. I tried  
17 to work as long as I could.

18 Q Now, had you ever -- when you had moved into the  
19 Waterfall Apartments, were you living by  
20 yourself?

21 A No. I had lived with Mike, and I moved out of  
22 his house. And I lived with my brother Nick.

23 Q And Mike is --

24 A Burger.

25 Q -- your husband at the time?



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CERTIFICATE

I, SHARON L. BRADY, a Notary Public in and for the County of Cass and State of Michigan, do hereby certify:

That LANA RAE CANEN appeared before me on Tuesday, May 12, 2015, and was duly sworn to testify the truth, the whole truth, and nothing but the truth to questions propounded at the taking of the foregoing deposition in a cause now pending and undetermined in said court;

That I further certify that I then and there reported stenographically the proceedings at the said time and place; that the proceedings were then transcribed from my original shorthand notes; and that the foregoing transcript is a true and correct record thereof;

That I am not a relative or employee or attorney or counsel, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor am I interested directly or indirectly in the outcome of this action;

That the deposition was adjourned for completion at a future date and time.

IN WITNESS WHEREOF, I have hereunto set my Notarial seal this 28th day of May, A.D., 2015.

*Sharon L. Brady*

Sharon L. Brady  
Notary Public, State of Michigan  
Residence: Cass County  
My commission expires: 6-29-19